

SENATE NO. 185

AN ACT ESTABLISHING REGULATIONS FOR THE LICENSING OF FLOOR FINISHERS, SANDERS AND INSTALLERS

*Be it enacted by the Senate and House of Representatives in General Court assembled,
And by the authority of the same, as follows:*

1 SECTION 1. Chapter 111 of the 2002 Official Edition is hereby amended by adding the following
2 section:

3 (a) The director shall, by July first, two thousand and seven, establish regulations for the licensing of
4 hardwood floor finishers, sanders and installers. The director shall prescribe the requirements for
5 licensure and may set conditions and restrictions governing the revocation and suspension of licenses.
6 The director shall periodically assess the number of applications for licensed floor industry inspectors
7 and may, subject to appropriation, increase the frequency of training sessions required for licensure, if
8 necessary, in order to process said applications in an efficient and timely fashion. The director may,
9 subject to appropriation, ensure that there are a sufficient number of training sites available throughout
10 the commonwealth.

11 (1) No persons shall enter into engage in or conduct floor industry inspections unless such person
12 shall have received a license therefor.

13 (2) The director may, by regulation, authorize employees of the state program, local boards of health
14 and code enforcement agencies to temporarily conduct inspections without receiving such a license
15 during a period ending July first, two thousand and seven. The director shall set a date after which only
16 licensed inspectors may conduct inspections adequate to comply with sections one hundred and
17 eighty-nine A to one hundred and ninety-nine, inclusive, and to qualify for tax credits under paragraph
18 (e) of section six of chapter sixty-two, but in no event shall that date be later than July first, two
19 thousand and seven. The director shall also set out the conditions, if any, under which unlicensed
20 inspectors may conduct such inspections during this transition period.

21 (b) The department of labor and workforce development shall, by July first, two thousand and seven
22 and in consultation with the director, establish regulations for the licensing of floor finishers, sanders
23 and installers. The department of labor and workforce development shall prescribe the requirements
24 for licensure and may set conditions and restrictions governing the revocation and suspension of
25 licenses.

26 (b) The department of labor shall, by July first, two thousand and seven and in consultation with the
27 director, establish regulations for the licensing of floor finishers, sanders and installers. The
28 department of labor shall prescribe the requirements for licensure and may set conditions and
29 restrictions governing the revocation and suspension of licenses.

30 (1) Such regulations shall require the training of workers in subjects including, but not limited to,
31 safe work practices, instruction in health risks, precautionary measures, protective equipment, and

32 other safeguards, including practices to prevent contamination of the residential premises, ambient
33 discharges and ground contamination. On site instruction shall be a component of the required
34 training. Said department shall periodically assess the number of applications for licensed floor
35 finishers, sanders and installers and may, subject to appropriation, increase the frequency of training
36 sessions required for licensure, if necessary, in order to process said applications in an efficient and
37 timely manner. Said department may, subject to appropriation, also ensure that there are a sufficient
38 number of training sites available throughout the commonwealth. No person licensed as an inspector
39 shall receive anything of value for referring any person to a licensed floor finishers, sanders and
40 installers. Violation of this subsection shall be punishable by license revocation and by civil penalty of
41 not more than one thousand dollars.

42 (2) No person shall enter into engage in or conduct floor finishing, sanding and installing
43 operations unless such person shall have received a license therefor.

44 (3) The director of labor and workforce development, jointly with the director, shall set a date after
45 which only licensed floor finishers, sanders and installers may conduct removal and covering adequate
46 to comply with section 197 and to qualify for tax credits under paragraph (e) of section 6 of chapter 62
47 but in no event shall the date be later than July 1, 1990. Said director of labor and workforce
48 development, jointly with the director, shall also set out the conditions, if any, under which unlicensed
49 floor finishers, sanders and installers may conduct such removal and covering during this transition
50 period.

51 (c) The department of labor and workforce development shall, by July first, two thousand and seven
52 and in consultation with the director, promulgate regulations to protect the occupational safety and
53 health of licensed floor industry inspectors and floor finishers, sanders and installers. Such regulations

54 may be more, but not less, stringent than applicable federal standards. The department shall also, by
55 July first, two thousand and seven and in consultation with the director, promulgate regulations
56 specifying licensing requirements and/or safety procedures to be used by all persons employed in
57 performing renovations or rehabilitation in a manner that requires the use of floor sanding, installing
58 and finishing products.

59 (d) All private retail enterprises associated with the distribution of floor sanding, installing and
60 finishing products shall be certified by the department of public health and shall follow storage
61 protocols established by the department of public health.

62 (e) The director and the director of labor and workforce development shall charge fees for licensure
63 and certification in an amount determined annually by the commissioner of administration under the
64 provisions of section 3B of chapter 7.

65 (f) The director, with respect to licensing of floor industry inspectors under subsection (a), and the
66 department of labor and workforce development, with respect to licensing of floor finishers, sanders
67 and installers under subsection (b), shall enforce the provisions of this section as appropriate and shall
68 have all necessary powers therefore.

69 (1) The appropriate agency may revoke, suspend, cancel or deny any certification or any license, at
70 any time, if it believes that the terms or conditions thereof are being violated or that the holder of or
71 applicant for the certification or license has violated any regulation of the department of public health
72 or the department of labor and workforce development or any other regulation or law of the
73 commonwealth. Any person aggrieved by a determination by the director or the department to issue,

74 deny, revoke or suspend any certification or license may request an adjudicatory hearing under the
75 provisions of chapter thirty A.

76 (2) Any person who violates the terms or conditions of any certification or license issued under this
77 section or any regulation or law of the commonwealth concerning such licensing or certification shall
78 be punished by a fine of not less than five hundred nor more than fifteen hundred dollars for each
79 offense. The director or the department of labor and workforce development may file a written
80 complaint with the district court in the jurisdiction in which the violation occurred. Punishment by fine
81 under this section may be in addition to the suspension of any license or certification.

82 (3) A representative of the director or the department of labor and workforce development or a board
83 of health or local code enforcement agency may issue an immediate cease-work order to any person
84 who violates the terms or conditions of any license issued under this section or any provision of this
85 section or section one hundred and ninety-seven or any regulation or order issued thereunder if such
86 violation will endanger or materially impair the health or well-being of any occupant of a residential
87 premises, any floor industry inspector, any floor finishers, sanders and installers or any person
88 employed in performing renovations or rehabilitation in a manner that requires the use of dangerous
89 floor finishing, sanding or installing materials.

90 (4) Nothing in this section shall be construed to limit the authority of the department of labor and
91 workforce development under chapter one hundred and forty-nine.